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Attorneys for Defendant KLA-Tencor Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHRIS CRIMI, on Behalf of Himself and All Others Similarly Situated,

**Plaintiff,**

VS.

EDWARD W. BARNHOLT, H. RAYMOND  
BINGHAM, ROBERT T. BOND, RICHARD J.  
ELKUS, JR., STEPHEN P. KAUFMAN, KENNETH  
LEVY, MICHAEL E. MARKS, DEAN O. MORTON,  
KENNETH L. SCHROEDER, JON D. TOMPKINS,  
RICHARD P. WALLACE, KLA-TENCOR  
CORPORATION, and DOES 1 through 25.

### Defendants.

Case No. CV-08-2249 CRB

**STIPULATION AND  
[PROPOSED] ORDER TO  
CONTINUE HEARING  
DATE**

DATE: July 18, 2008  
TIME: 10:00 A.M.  
DEP'T: Courtroom 8

Hon. Charles R. Breyer

Plaintiff Chris Crimi (“Plaintiff”) and Defendant KLA-Tencor Corporation (“KLA” or the “Company”) hereby stipulate as follows:

WHEREAS on April 30, 2008 KLA removed this action from the Superior Court of the State of California for the County of Santa Clara.

WHEREAS on May 7, 2008, KLA filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

WHEREAS Plaintiff informed KLA that he intended to file a motion to remand and requested that KLA agree to have its motion to dismiss heard on the same day as Plaintiff's

1 motion to remand.

2 WHEREAS KLA agreed to have both motions heard at the same time and the  
3 parties filed a stipulation that was entered as an order by the Court setting a briefing  
4 schedule and a hearing date of July 18, 2008 for both motions.

5 WHEREAS, pursuant to the parties' stipulation and the Court's Order, on June 12,  
6 2008, plaintiff filed his Opposition to Motion to Dismiss; Notice of Motion and Motion to  
7 Strike Pages in Excess of Court's Standing Order No. 5; Notion of Motion and Motion for  
8 Leave to Amend; Memorandum of Points and Authorities in Support Thereof (the "Motion  
9 for Leave to Amend").

10 WHEREAS a scheduling conflict arose for counsel for KLA and Plaintiff agreed to  
11 continue the two hearings until July 25, 2008 to accommodate counsel for KLA.

12 WHEREAS KLA's opposition to Plaintiff's motion to remand is currently due on  
13 June 26, 2008, Plaintiff's reply memorandum in further support of his motion to remand is  
14 due July 3, 2008 and KLA's reply memorandum in further support of its motion to dismiss  
15 is due on July 3, 2008.

16 IT IS HEREBY STIPULATED AND AGREED:

17 1. The hearings on KLA's motion to dismiss and Plaintiff's motion to remand and  
18 motion for leave to amend shall be heard on July 25, 2008 at 10:00 A.M.;

19 2. KLA's opposition to Plaintiff's motion to remand and motion for leave to amend  
20 shall be due on July 3, 2008;

21 3. KLA's reply in further support of its motion to dismiss and Plaintiff's reply in  
22 further support of his motion to remand and motion for leave to amend shall be due on July  
23 11, 2008.

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1 Dated: June 25, 2008

John H. Hemann  
Joseph E. Floren  
Matthew Weiler  
MORGAN LEWIS & BOCKIUS LLP

4  
5 By: \_\_\_\_\_ /s/  
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8 Counsel for Defendant

9 I, Matthew Weiler, am the ECF User whose ID and password are being used to file this  
10 Stipulation and [Proposed] Order to Continue Hearing Date. In compliance with General Order  
11 45, X.B., I hereby attest that the signatory below has concurred in this filing.

13 Dated: June 25, 2008

Patrice L. Bishop  
STULL, STULL & BRODY

15 By: \_\_\_\_\_ /s/  
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23 Counsel for Plaintiff

## [PROPOSED] ORDER

Pursuant to the stipulation of the parties, and for good cause shown, IT IS HERE BY ORDERED:

1. The hearings on KLA's motion to dismiss and Plaintiff's motion to remand and motion for leave to amend shall be heard on July 25, 2008 at 10:00 A.M.;

2. KLA's opposition to Plaintiff's motion to remand and motion for leave to amend shall be due on July 3, 2008;

3. KLA's reply in further support of its motion to dismiss and Plaintiff's reply in further support of his motion to remand and motion for leave to amend shall be due on July 11, 2008.

Dated:

Hon. Charles R. Breyer  
U.S. District Court Judge